

REMARKS

The above-identified application is United States application serial number 10/656,501 filed on September 4, 2003. Claims 1-20 are pending in the application. Claims 1-20 are rejected.

Rejection of Claims Under 35 USC § 112(b)

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to correct relative terms presented without basis for comparison.

Rejection of Claims Under 35 USC § 102

Claims 1-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Bergeson (U.S. Patent No. 2,823,880). Applicant has amended the claims to distinguish over Bergeson, which does not disclose a controller "configured to transfer fuel among the plurality of fuel tanks to position the aircraft center-of-gravity in a relatively aft position when the flight parameter is indicative of supersonic flight whereby sonic boom is reduced" or "configured to transfer fuel among the plurality of fuel tanks to position the aircraft center-of-gravity in a relatively aft position when the flight parameter is indicative of supersonic flight whereby lift distribution is modified and sonic boom is reduced."

Rejection of Claims Under 35 USC § 103

Claims 15-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Underwood (U.S. Patent No. 2,755,046) in view of Bell (U.S. Patent No. 5,321,945). Applicant has amended the claims to distinguish over Underwood in view of Bell, which do not disclose a "computer adapted to respond to the flight parameter to operate the control effectors and transfer fuel among the plurality of fuel tanks to adjust aircraft trim and center of gravity position and operate the aircraft in at least two flight modes, the flight modes including a reduced sonic boom mode wherein center of gravity is positioned relatively aftward."

KOSTNER BERTANI LLP
12663 MACARTHUR BLVD
SUITE 400
IRVING, CA 92612
TEL (949) 231-0230
FAX (949) 231-0260

CONCLUSION

Applicant believes the application, including all current claims 1-20, is in form for allowance and a notice to that effect is solicited. No new matter has been added. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (703) 872-9396 on the date shown below.

(Signature)

Ken J. Koestner
(Printed Name of Person Signing Certificate)

December 10, 2004
(Date)

Respectfully submitted,

Ken J. Koestner
Attorney for Applicant(s)
Reg. No. 33,004

KOESTNER BERTANI LLP
18662 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92613
TEL (949) 251-0250
FAX (949) 251-0260

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.